

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

**ANTONIO GARCIA MENDOZA,**

**2:12-CV-02095-HU**

**Petitioner,**

**ORDER**

**v.**

**STEVE FRANKE, Superintendent  
Two Rivers Correctional  
Institution**

**Respondent.**

**BROWN, Judge.**

Magistrate Judge Dennis James Hubel issued Findings and Recommendation (#27) on May 7, 2014, in which he recommends the Court deny Petitioner Antonia Garcia Mendoza's Petition (#2) for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254, dismiss this

matter with prejudice, and deny a certificate of appealability. Defendant filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). See also *Dawson v. Marshall*, 561 F.3d 930, 932 (9<sup>th</sup> Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003)(*en banc*).

This Court has carefully considered Defendant's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

#### CONCLUSION

The Court **ADOPTS** Magistrate Judge Hubel's Findings and Recommendation (#27) and, therefore, **DENIES** the Petition (#2) for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254, **DISMISSES** this matter **with prejudice**, and **DENIES** a certificate of

appealability.

IT IS SO ORDERED.

DATED this 10<sup>th</sup> day of July, 2014.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge